***United States Court of Appeals***

***for the Second Circuit***

# APPENDIX

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P/S

# 75-1268

## United States Court of Appeals

For the Second Circuit

UNITED STATES OF AMERICA,
*Plaintiff-Appellee,*

vs.

JACK L. CHESTNUT,
*Defendant-Appellant.*

APPEAL FROM UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

APPENDIX
Volume III
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UNITED STATES COURT OF APPEALS
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A. DANIEL FUSARO, CLERK
SECOND CIRCUIT

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PAGINATION AS IN ORIGINAL COPY

up here to discuss matters because they pertain to legal problems and you are only concerned with fact issues.

(At the side bar.)

MR. BANNIGAN: Your Honor, this witness has a severe heart problem. His wife will be required to sit in the room. So you are aware of it, she has oxygen apparatus with her in the event something should happen. It may take a few minutes to get it here.

THE COURT: Why don't we do this, take our mid-afternoon recess and when we have everything set, we will come down.

(In open court.)

THE COURT: We are within a few minutes of our regular recess time for the afternoon. The Court will at this time take our mid-afternoon recess.

(Recess.)

THE COURT: Call your next witness.

MR. BANNIGAN: The Government calls Bob A. Lilly.

xx B O B A. L I L L Y, called as a witness by the Government, having been first duly sworn by the Clerk of the Court, testified as follows:

MR. BANNIGAN: May I proceed, your Honor?

THE COURT: Yes.

xx DIRECT EXAMINATION

BY MR. BANNIGAN:

Q How old are you, Mr. Lilly?

A I am 55 years of age.

Q And how are you presently employed?

A I am not employed. I am disabled as a result of a heart disease.

Q Are you retired, then, on disability?

A Yes, I am on disability.

Q When were you last able to hold a job, sir?

A In June of 1974.

Q And who did you work for in June of 1974?

A Associated Milk Producers, Inc.

Q Where is that located, sir?

A They are headquartered in San Antonio, Texas.

Q When did you first go to work for Associated Milk Producers, Inc.?

A At its beginning Associated Milk Producers in 1969.. It had a predecessory group, but '68 or '69, at the creation or formation of AMPI.

Q When did you start to work for its predecessor organization?

A For the predecessory organization in 1967, when Milk Producers Inc. was incorporated.

Q The name of the corporation then was Milk Producers, Inc.?

A That's true.

Q What was Milk Producers, Inc.?

A Milk Producers, Inc. was a dairy farmers cooperative that marketed the milk for dairy farmers in six states--12,000 farmers found markets for their milk or milk products.

Q What position did you hold when you first started working for Milk Producers, Inc.?

A Assistant to the General Manager.

Q Who, sir, was the general manager at that time?

A Mr. Harold Nelson.

Q Would you briefly describe for the ladies and gentlemen of the jury what your duties were as assistant to the general manager in 1968?

A Yes.

My duties were primarily in the legislative field, responsibility and interested in legislation in states in which we were organized, the passage of legislation that was of benefit to dairy farmers, as well as on a Federal level, and also working in political campaigns throughout the states that we were primarily organized in and as well as making contributions to politican candidates.

Q Sir, could one characterize your activities concerning dairy legislation by using the phrase "lobbying work"?

A Yes.

Q What campaign, sir, did you work in in 1968?

A I worked in the campaign of now Senator Humphrey on his campaign for President during the year of 1968.

Q What kind of work did you do at that time in that campaign?

A I was working in the various states prior to the Convention in obtaining voting delegates for Mr. Humphrey in his behalf and following his nomination as the Presidential nominee of the Democratic Party through four states as a state coordinator and working with the Democratic Party within those states in trying to secure his nomination.



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Q The third function that you stated you performed was that of making contributions, is that correct?

A That is true.

Q What kind of contributions were you talking about in 1968?

A We were talking about corporate contributions.

Q Whose funds were used to make these contributions?

A MPI, Milk Producers Fund, Inc.

Q When you were doing this, were you aware it was illegal?

A Yes, I was.

Q Did you make these contributions on your own or were you directed to make them by someone else?

A I was directed to make these contributions. It was through personal checks of my own but it was through the direction of Mr. Nelson, my immediate superior and the general manager of MPI.

Q I take it you were reimbursed somehow when you used a personal check?

A I was reimbursed either through a bonus salary check or an advanced expense voucher from MPI. They were deposited in my personal account.

Q I take it you used the person checks as a means

of disguising the corporate nature of the contribution?

A That is strue.

Q Sir, do you know the defendant in this trial?

A Yes, I do.

Q What is his name, sir?

A Jack Chestnut.

Q Do you see him in the courtroom today?

A Yes. Mr. Jack Chestnut is seated in the middle of the table. The man with the gray suit.

Q The second gentleman to the right?

A Yes, from my right.

MR. BANNIGAN: May the record reflect the witness has identified the defendant Chestnut.

Q Do you recall when you first met Mr. Chestnut?

A Yes. I first met Mr. Chestnut in 1968.

Q Do you recall the circumstances?

A The circumstances were at a meeting of people like myself working on behalf of Mr. Humphrey at that time and we were a number of people that covered anumber of states and those were the conditions under which I met Mr. Chestnut first.

Q Do you know what his activities in that campaign were?

A My understanding is his activities were somewhat



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similar to mine.

Q An advance man?

A Yes, an advance man on behalf of Mr. Humphrey.

Q Did you have any extensive dealings with Mr. Chestnut during this campaign?

A No, I did not.

Q Now, sir, in 1969, I believe you stated earlier that MPI underwent a merger and corporate reorganization?

A That is true.

Q Would you explain to the ladies and gentlemen of the jury what that involved?

A In 1969, MPI became AMPI, Associated Milk Producers.

Rather than being associated in six states, it was organized in 22 states covering 42,000 dairy farmers or having 42,000 dairy farmer members rather than 12,000. It was still a cooperative similar to MPI, the same as MPI marketing the milk of these dairy farmers in those 22 states.

Q In effect, it was an enlargement, a rather large increase in the number of people in this cooperative?

A That is true, very large.

Q And you spread out into different states?

A That is true.



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THE COURT: You say it was a corporation under the laws of what state?

THE WITNESS: Under the cooperative laws of the State of Kansas.

Q Were any of the dairy cooperatives that joined under the umbrella corporation AMPI located in Minnesota?

A Yes.

Q Was there a headquarters in Minnesota?

A Yes. We had four regional offices, one regional office in Minnesota.

Q Northern, Western, Southern region?

A Northern.

Q Where did you say it was located?

A New Ulm.

Q Following this corporate reorganization, did you retain your position as assistant to the general manager?

A Yes, I did.

Q Who is now the general manager of Associated Milk Producers, Inc.?

A Mr. Harold Nelson.

Q So he continued on?

A That is true.

Q Could you very briefly, if you know, tell the ladies and gentlemen of the jury what Mr. Nelson's duties



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were at AMPI?

A Mr. Nelson's responsibility as the general manager of AMPI, he was responsible for all of the employees which we had throughout the 22 states.

He was responsible to the Board of Directors for reporting to them, to obtain the approval of the Board of Directors when necessary on actions to be taken and legislative activities.

Q Aside from those duties, did Mr. Nelson engage any other duties?

A He was rather active in the legislative field both in the legislative field itself and within the political field.

Q What did he do in the political field, if you know?

A I reported to him on political activities and he directed contributions to be made as a corporation, at that particular time in early 1969.

Q Corporate contribution?

A Corporate contribution.

Q Are you familiar with an organization known as TAPE, T-A-P-E?

A Yes, I am.

Q What does TAPE stand for?

A Trust Agricultural Political Education.

Q What was TAPE, or what is TAPE?

A TAPE is a political fund that was made up of voluntary contributions of dairy farmers throughout the 22 states in which we had members.

Q Can you explain to the jury how those funds were gathered?

A Those funds for the most part were gathered -- dairy farmers -- in being their bargaining agent, we paid those dairy farmers for the milk they produced. On the milk checks we made deductions. These deductions were authorized by the dairy farmers that were members and we deducted one third of one per cent or we made X-dollar contributions, but at their direction and these funds then were made in San Antonio and kept and credited TAPE from which we made contributions.

Q You made contributions to the candidates from the trust fund or TAPE funds?

A Both state and national.

Q And you were aware, sir, were you not,it was legal to make such contributions from those funds?

A Within limitations.

Q What was one of the limitations you were aware of?

A One of them was a $5,000 contribution to any one candidate in any one year.

Q Is that your full understanding of what the limitation was?

A This is only one portion.

Q Of that limitation, is that your understanding?

A Yes, at that time.

Q Correct me. That is that TAPE could not make a contribution in excess of $5,000 to any one campaign committee in any one year, is that right?

A That is true.

MR. THOMSON: I will object to this line of inquiry on the ground this is legal conclusion.

THE COURT: The witness says he knows.

Q Is that your understanding?

A Yes, it is.

Q Now, sir, I take it once TAPE was formed, Associated Milk Producers stopped making illegal corporate contributions, is that true?

MR. THOMSON: Objection.

THE COURT: Sustained as to form.

Q Were any contributions made from Associated Milk Producers corporate funds after TAPE was formed?

A Yes.

Q I take it TAPE contributions were also made?

A That is true.

Q So there were two sources from which contributions were made.

A That is correct.

Q Were you familiar with the accounting procedure used by tape in connection with its contributions?

A Yes, I am.

Q Could you briefly explain that, please?

A On TAPE contributions within TAPE itself, there was a request form. This was a form drawn up by our own organization. This included the political candidate or the committee in which a contribution would be made, an address, the amount of money that would be contributed that might make the request for the money and at times if it was to be mailed or delivered.



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Then this particular document was turned over to the trustee of TAPE, the individual that had the authority to execute checks and he in turn executed a check in the amount of the request and once the check was issued, the check would be returned to me in most instances and the check form would accompany that to be signed by the recipient of that check on the other end when it was delivered or when it was mailed.

Then that in turn -- if it were transmitted, I would normally transmit this check by a letter over my signature. In most instances I would deliver the checks myself.

Q So there were stenographic records kept on TAPE contributions, is that correct?

A Yes, within the TAPE organization itself, there were stenographic records.

Q Did you also testify, sir, that a receipt was always obtained when a tape check was delivered to a recipient?

A Yes, it was.

Q Are you aware of any occasions when TAPE funds were not expended out as contributions in checks?

A Yes, I do.

Q How many occasions are you familiar with when



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something other than a check was used?

A One instance.

Q What was used in that instance?

A It was a debit receipt signed by myself withdrawing $100,000 from the TAPE fund.

Q What was done with those funds?

A The funds found their way --

Q I don't want any names. Were they delivered to somebody?

A They were delivered -- they were political funds, they were used for political purposes.

Q So it was a cash contribution?

A Yes, cash contribution.

Q And that is the only cash contribution you are aware of that tape ever made?

A That is true.

Q In addition to the internal records that were prepared by TAPE in connection with its expenditures, were there any other records prepared and filed in connection with those contributions?

A Yes, there were other documents filed.

Q What records were those?

A Those were requirements under the federal law that periodically normally on a quarterly basis but not at

every instance, TAPE's report of TAPE collections or the trustee referred to, their expenditures, their balances were reported to the Clerk of the House for the United States Congress and there were four reports with the final report being made as of December 13st of each year and basically that is the report we made.

Q These reports showed, did they not, all of the contributions made by TAPE?

A Yes. We did make the report and they did show all of the candidates even though in 1969 in the beginning they were not required, but we did show any contribution to the candidate or to a particular committee either state or federal committee and those that were attached to and became part of the record in the Clerk of the House office.

Q Was that function performed while you were with TAPE as far as TAPE contributions were concerned?

A Yes.

Q Did you have any function in preparing these tape reports to the House?

A Yes.

Q Were these tape reports prepared in the regular course of the business of making these contributions by TAPE?



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A Yes, they were.

Q Was it part of the regular course of business to prepare these documents at or about the time the contributions were being made?

A Yes. Certain portions of them were, then the final report would be at the required time, filed.

MR. BANNIGAN: I ask that this series of documents be marked Government's Exhibit next in order collectively.

(Government's Exhibit 5 marked for identification)

xxxx

Q Sir, I show you what has been marked Government's Exhibit 5 for identification and askyou whether you can identify those documents, just taking your time.

A Yes, I can identify them.

Q What are they, sir?

A They are exact copies, or appear to be exact copies of the TAPE reports signed by Mr. Robert Isham who was the trustee during the period 1970, the five reports that were then required to be filed under the then existing law.

Q Did you personally help Mr. Isham prepare these?

A Yes.



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Q So you are intimately familiar with them?

A Yes, I prepared a good portion of the report itself.

Q You are intimately familiar with the contributions generally made by TAPE in 1970?

A Yes.

Q To your knowledge, did TAPE in 1970 ever make any contribution of even more than two cents to Senator Humphrey?

MR. THOMSON: Objection. I object to his characterization, the way he leads his witness. He is suggesting his answers and I move the question be stricken.

THE COURT: Reframe it.

MR. BANNIGAN: I will reframe it, your Honor.

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Q Did TAPE make any contribution to Senator Humphrey's 1970 Senatorial campaign?

A No, they did not.

MR. BANNIGAN: Your Honor, the government offers 5, a business record.

MR. THOMSON: I object to this, your Honor. A complete lack of foundation regarding relevance, whether Mr. Chestnut or anyone under his employ had any knowledge of this whatsoever. Until he can lay that foundation, these documents are completely irrelevant.

THE COURT: Overruled.

(Government's Exhibit 5 received in evidence)

xxxx

Q One or two other questions on the TAPE matter.

Were TAPE funds segregated in any way from Associated Milk Producer, Inc. funds?

A Yes, they were kept totally separate and apart.

Q When TAPE funds were expensed out as contributions, you earlier testified checks were used, is that correct?

A Yes.

Q Were those checks styled in any way which would indicate they came from TAPE?

A Yes, they had the name of TAPE written on the edge, the left-hand edge, of the check itself, and it was totally separate and apart from what any corporate funds might be.

Q Are you familiar with the checks used by Associated Milk Producers at the time?

A Yes.

Q Were those checks styled in any particular way that you remember?

A Yes. They had AMPI on them but they had it above the signature rather than on the side of the check.

Q Was that spelled out, Associated Milk Producers, Inc.?

A Yes.

Q Sir, earlier you testified that you met Mr. Chestnut in 1968 in connection with both your and his work on behalf of Senator Humphrey, is that correct?

A That's true.

Q Did there come a time sometime after 1968 when you again met or had some dealings with Mr. Chestnut?

A Yes.

Q Could you please explain to the Court and the jury the circumstances which led up to either this meeting or dealing that you had with Mr. Chestnut?



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A Yes. In late April of 1970, Mr. Nelson gave me instructions that --

MR. THOMSON: Wait. I object to any hearsay instructions from Mr. Nelson.

THE COURT: Yes.

MR. BANNIGAN: May we approach the side bar on this? I alluded to this in my opening.

THE COURT: Suppose you come up here.

(At the side bar)

MR. BANNIGAN: Your Honor, in my opening I quite clearly stated that the criminal activity in which this defendant engaged was activity engaged in in concert with three other people. It was simply a joint venture of all these people, Lilly, Nelson and Chestnut, to violate the campaign laws.

Moreover, I point out, your Honor, the charge in the indictment is one of aiding and abetting. It shows there were other people involved in this case and that it is a joint venture here.

THE COURT: Do you plan to call Nelson?

MR. BANNIGAN: We haven't decided on that yet, your Honor. It's possible. We may, we may not.

THE COURT: I will take it subject to connection and subject to a motion to strike and upon the statement



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that the proof may show acting in concert.

MR. THOMSON: There is absolutely no evidence of that at this time.

THE COURT: You can only do it step by step. I said I am taking it at this time subject to a motion to strike and also subject to connection.

MR. THOMSON: Also referring to his opening statement, there is not one shred of evidence in the opening statement about joint venture other than a bald-faced assertion that there was one.

MR. BANNIGAN: That is why the witness is on the stand to testify to this.

(In open court)

BY MR. BANNIGAN:

Q I believe, sir, you were about to relate to us a conversation that you had with Mr. Nelson. Would you please do so?

A Yes. Mr. Nelson, in late April of the year 1970, instructed me to be sure that a billing that would be coming in from Lennen & Newell through Mr. Jack Chestnut would be paid out of AMPI funds and I was responsible to see that that particular bill was paid and to follow through on it.

The particular bill then -- shall I proceed on?



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Q I will get to that.

A All right.

Q Were you instructed by Mr. Nelson with whom to arrange the payment of this bill?

A Yes, through Mr. Jack Chestnut.

Q Sir, what is the next thing you recall happened following this conversation that you had with Mr. Nelson?

A Shortly thereafter, I did receive a bill from a Lennen & Newell Company,an invoice, in the amount of $12,000. It was addressed to Associated Milk Producers care of Bob Lilly, New Ulm, Minnesota. It was from the Lennen & Newell Company, $12,000 for services rendered in the state of Minnesota.

Q Mr. Lilly, I show you what has already been marked Government Exhibit 1 for identification and askyou whether you can identify that.

A Yes, I can.

Q What is that, sir?

A This is the billing that Iwas testifying to that I did receive from Lennen & Newell and then addressed to Associated Milk Producers, Bob Lilly, New Ulm, for the amount of $12,000, it says consulting fees, Minnesota.

Q So the document which I showed you is a xerox copy, is it not?



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A That's true, it is.

Q Do you know where the original of that document is?

A The original of the document should be in AMPI's file in San Antonio.

Q Do you know that for a fact?

A No, I do not.

Q Do you know where the copy was made?

A Yes, I do.

Q Who made the copy?

A The copy was made -- in this instance, I see a note of --

MR. THOMSON: I object to any reading.

A I made a copy myself in October of 1973.

Q Did you make a copy from the original?

A From the original, I did, yes.

Q Apart from this writing here at the bottom, is this a true and accurate copy of the original?

A It is.

Q And apart also from the No. 6 which appears up here which is handwritten?

A It is.

MR. BANNIGAN: The government offers Government's Exhibit 1 for identification.



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MR. THOMSON: May I have permission to ask a few questions as the basis for an objection.

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. THOMSON:

Q Mr. Lilly, showing you what has been marked for identification purposes as Prosecution's Exhibit 1, you testified that you received that in New Ulm.

A No, sir, I did not.

Q Where did you receive it?

MR. BANNIGAN: I object. This is not proper voir dire. The question is as to authenticity.

THE COURT: I will let him answer.

Q How did that exhibit come into your hands?

A It was forwarded to me from the regional office in New Ulm, Minnesota.

Q When?

A About the time it was issued, about May 1, 1970.

Q Where did you receive it?

A In San Antonio, Texas.

Q And from whom did you receive it?

A It came as this is and it came from the New Ulm, Minnesota, AMPI office.

Q How do you know this?

A Well, it was forwarded to me from them. It was delivered or forwarded. I don't know if it came in an envelope or not.

Q You don't know whether it came from the AMPI office in New Ulm or not, do you?

A Yes, I know it came from New Ulm.

Q How do you know that?

A Because it is addressed to me. It was first sent to them and it was then obtained by me, it was sent to



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me in San Antonio.

Q Let me ask you this, sir: You received Prosecution's Exhibit 1 in San Antonio, is that correct?

A Yes.

Q You don't know where it came from, do you?

MR. BANNIGAN: Objection.

Not proper voir dire on authenticity.

THE COURT: It is not proper voir dire.

The witness states this is a copy of the original that he received.

MR. THOMSON: I want to know where he received it from.

THE COURT: You can inquire later on where he received it from.

Do you have any other questions on a proper voir dire?

MR. THOMSON: I object to it on the ground of the best evidence rule; it is not the original.

THE COURT: Overruled.

xx (Government's Exhibit 1 received in evidence.)

MR. BANNIGAN: At the appropriate time may I pass this and other documents to the jury?

May I circulate this to the jury?

THE COURT: Yes. It's in evidence.



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BY MR. BANNIGAN:

Q Sir, after you received the invoice which has been marked Government's Exhibit 1 now in evidence, did you pay it?

A No, I did not.

Q Would you please explain to the ladies and gentlemen of the jury why you did not pay it?

A Yes.

At about this time I received a call from Mr. Jack Chestnut informing me not to pay the bill, that the bill would be corrected and that he would forward it to me and at that time we would pay them.

So I filed this particular invoice.

Q Did he tell you how the bill would be corrected?

A He told me that he would correct it. Other than "correct it," he did not tell me.

Q Was there anything wrong with the bill that he told you about? Did he say what was wrong?

A No, he did not. He said he would send a corrected bill.

Q Was that the sum and substance of that phone conversation?

A Yes, that was the sum and substance of it.

Q What next happened in connection with the Lennen



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and Newell matter following this phone conversation?

A Shortly thereafter, I did receive a letter from Mr. Chestnut enclosing a corrected billing in the amount totaling $12,000.

Q Did you receive any other letters prior to that from Mr. Chestnut?

A Yes, I did. I received a letter following up on a telephone conversation information me that shortly after this that the corrected billing would be obtained and he would forward it to me before I received the bill itself.

Q So he confirmed your phone conversation?

A That's true.

MR. BANNIGAN: I ask that this document be marked Government's Exhibit next in order.

xx (Government's Exhibit 6 marked for identification.)

Q Mr. Lilly, I show you what has been marked Government's Exhibit 6 for identification and ask you whether you can identify that?

A Yes, I can.

Q What is that document, sir?

A This is the letter that confirmed the telephone conversation that Mr. Chestnut and myself had that the corrected billing would be forwarded to me shortly.



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Q You received that where?

A I received this in San Antonio, Texas, at the home office of AMPI.

Q Sir, is that a photocopy or the original document?

A This appears to be an original document.

Q Sir, how do you know this is the document that you received?

A Because of my notation of the word up on the right-hand corner, "File." That's in my handwriting.

MR. BANNIGAN: Your Honor, the Government offers 6 for identification.

MR. THOMSON: No objection.

xx (Government's Exhibit 6 received in evidence.)

MR. BANNIGAN: May I circulate it to the jury?

THE COURT: Read it out loud. It would safe time. They can't read it and listen at the same time.

(Mr. Bannigan read Government's Exhibit 6 to the jury.)

THE COURT: You may pass it around now, if you want to.

Q Now, sir, after the receipt by you of the May 7th letter, the exhibit that just went into evidence, what was the next thing that you recall happening in connection with



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with this Lenen & Newell matter?

A Shortly thereafter, a few days after this particular letter, I did receive a letter with the corrected billings from Lennen and Newell from Mr. Chestnut.

Q How many billings, sir?

A A total of four.

Q A total of four invoices?

A $3,000 each.

MR. BANNIGAN: I ask that this document be marked the Government's exhibit next in order for identification.

xx (Governments Exhibit 7 marked for identification.)

Q Sir, I show you a letter dated May 12, 1970, which has been marked for identification as Government's Exhibit 7.

Can you identify that exhibit?

A Yes, I can.

Q What is that, sir?

A This is a copy of the letter that I received from Mr. Jack Chestnut addressed to me at San Antonio that enclosed the billing from Lennon & Newell.

Q How do you know, sir, that that is an exact copy of the letter thatyou received?

A The copy, because of some wording that is printed



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on the face of it, some writing.

Q What is that wording?

A The wording has "payable to" written in and pointing to "Lennen & Newell."

Q So you said this is a Xerox copy of the original letter?

A Yes.

Q Did you make or cause to be made this copy?

A Yes, I did.

Q From the original document?

A From the original document.

MR. BANNIGAN: The Government offers 7 for identification.

MR. THOMAS: No objectionto prosecution exhibit 7.

MR. BANNIGAN: I would prefer if counsel would call it Government's Exhibit, not prosecution's exhibits.

THE COURT: Yes, the correct term is Government Exhibit.

xx (Government's Exhibit 7 received in evidence.)



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MR. BANNIGAN: May I read this to the jury?

THE COURT: Yes.

(Government's Exhibit 7 in evidence read to the jury.)

Q Mr. Lilly, the word "payable" on this document, was it on there when you received it?

A Yes, it was.

Q Mr. Lilly, you stated that enclosed with the May 12th letter to Mr. Chestnut were four invoices?

A That is true.

Q I show you what has already been marked Government;s Exhibit 2 for identification and ask you if you can identify those documents?

A Yes, I can.

Q What are those documents?

A These are copies of the original document from Lennen & Newell at the top addressed to Associated Milk Producers care of Bob Lilly, New Ulm, Minnesota, carrying various dates and each in the amount of $3,000 with the services for consulting fee Minnesota.

Q What is the total billing?

A $12,000.

Q Were these letters forwarded to you from New Ulm?

A No.

Q Invoice, I meant.

A These invoices were attached to the letter of May 12.

Q From Mr. Chestnut?

A Yes.

Q Directly?

A Yes.

Q You stated these were copies of the originals?

A Yes.

Q How do you know that these are in fact accurate reproductions of the originals?

A Because of my approval "Ok Bal," before going to the controller for AMPI for payment.

Q Did you write that on there?

A Yes.

Q Did you write it on the copy or the original?

A On the original.

Q So these are exact copies with the exception of some handwriting at the bottom?

A Yes.

Q And you don't know what those are?

A No.

MR. BANNIGAN: The Government offers 2 for iden-



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tification.

THE COURT: Show it to counsel.

MR. THOMSON: The defense has no objection to Prosecution Exhibit 2.

MR. BANNIGAN: Once again, your Honor, it is Government Exhibit 2.

THE COURT: Maybe in Minnesota they do it differently.

It is Government and Defendant.

xx (Government's Exhibit 2, received in evidence.)

MR. BANNIGAN: May I circulate it, your Honor? It is nothing to read.

THE COURT: Yes.

Q Now, sir, after you received the four invoices which have been marked Government's Exhibit 2 in evidence as well as the letter of May 12, 1970, what did you do with the invoice?

A The invoice was approved by me with an "Okay Bal." and sent to the controlling department, Mr. Robert Shall for payment.

Q After you did that, sir, did you have any further connection with this Lennen and Newell matter at all?

Perhaps I should rephrase that question.

What is the next thing that happened after you

sent these invoices to Mr. Isham?

A I got from Mr. Isham a check in the amount -- it was two separate checks.

One for $6,000 made payable to Lennen & Newell and the check, that check was forwarded the latter part of May, the 1st of June, to Mr. Chestnut in the amount of $6,000 and shortly after that, another check in the amount of $6,000, again forwarded to Mr. Chestnut.

Q Sir, I show you what has already been marked Government's Exhibit 3 and 4 for identification, and ask you if you can identify those documents?

A Yes, I can.

Q What are those documents, sir?

A These are the checks, one dated June 1 from Associated Milk Producers in the amount of $6,000 payable to Lennen & Newell.

The other check numbered 1528 from Associated Milk Producers in the amount of $6,000 dated June 11, 1970 payable to Lennen & Newell.

Q Are those the checks thatyou referred to in your testimony?

A Yes, these are the checks.

Q You know that from personal knowledge?

A Yes.



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Q When you sent the checks which have just been received in evidence to Mr. Chestnut, how did you send them?

A They were transmitted with a transmittal letter that was drafted over my signature.

Q Do you recall having sent such letters?

A Yes, I did send such letters.

MR. BANNIGAN: I ask that these two documents be marked Government's Exhibits next in order.

xx (Government's Exhibits 8 and 9 marked for identification.)

Q Mr. Lilly, I show you what has been marked Government's Exhibits 8 and 9 for identification, each of which are one page documents.

Can you identify them?

A Yes, I can.

Q Will you please tell the Court and jury what they are?

A These are copies of the original copy that came from my file to Mr. Jack Chestnut at his law firm in Minneapolis, Minnesota, transmitting the $6,000 check payable to Lennen & Newell. This letter is dated June 1, 1970.

Exhibit 9, again is a letter to Mr. Chestnut at his law firm in Minneapolis transmitting the second



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$6,000 check payable to Lennen & Newell with my signature on it.

Q Both of these documents, 8 and 9 for identification are photocopies of office copies, are they not?

A That is true.

Q Did you prepare these photocopies or cause them to be prepared from the original office copy of the letter?

A Yes, I did.

Q Are these accurate reproductions of that office copy?

A Yes, they are.

Q To whom was the original or the original letters sent?

A To Mr. Chestnut.

MR. BANNIGAN: The Government offers 8 and 9 for identification.

MR. THOMSON: No objection.

xx (Government's Exhibits 8 and 9 received in evidence.)

MR. BANNIGAN: May I circulate it, your Honor?

THE COURT: Yes.

Q Now, sir, after sending the final check, I believe that is the June 11 check, to Mr. Chestnut, with the corresponding letter of June 11, 1970, did you ever



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did you ever have any further dealings or conversations with Mr. Chestnut concerning the payment of these Lennen & Newell matters?

A No, I did not.

Q Referring back to the first phone conversation which you stated you had with Mr. Chestnut, do you recall that?

A Yes.

Q I believe you testified that is when he told you not to pay the bills because there was something wrong with them and he was going to correct it?

A Yes.

Q In that conversation, did you or he mention the word or words "TAPE"?

A No.

Q Was it ever discussed with you on any occasion in the period of time we are talking about?

A No, it was not.

Q Mr. Chestnut never said anything about TAPE?

MR. THOMSON: He is repetitious and I object to it and move his statements be stricken.

THE COURT: Overruled.

MR. BANNIGAN: Would you read the last question back.



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(Question read.)

THE COURT: Was the word "TAPE" ever mentioned in any of your conversations with Mr. Chestnut?

A No, it was not.

Q Sir, earlier you identified Government's Exhibit 6 in evidence as the May 7 letter from Mr. Chestnut.

Do you recall that?

A Yes.

Q That was the letter confirming, I believe you testified, the conversation.

A Yes.

Q Sir, the first two sentences in that letter state "Thank you for your recent correspondence and enclosure. It is appreciated very much."

Sir, do you know what Mr. Chestnut was referring to in that letter?

A Yes, I do.

Q What was he referring to?

A He was referring to a $10,000 check that had been sent to him shortly before that to the Minnesota Democratic Campaign Committee.

MR. THOMSON: May we approach the bench?

THE COURT: Yes, you may.

(At the side bar.)



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MR. THOMSON: Your Honor, I believe he is approaching the area of evidence that would constitute other misconduct that we have objected to and I would like to be heard outside the presence of the jury regarding our position.

(In open court.)

THE COURT: Members of the jury, there is a matter of law I want to hear that the lawyers want to present to I will hear this in the robing room.

You may relac in the box. If I find it will take very long, I will come out and execuse you for the day.

(In the robing room.)

MR. THOMSON: Mr. Nordby will argue our position.

MR. NORDBY: As I understand it, your Honor, we are at the point now where Mr.Bannigan is offering to prove three payments as what he described in his brief as similar criminal conduct.

He offers to prove them as I understand it, and Mr. Bannigan will correct me if I am wrong, to show intent or wilfulness or knowledge on Mr. Chestnut's part. The similarity acts set forth in the Government's brief are a $10,000 check, I believe, from Mr. Lilly some time April through May and I take it that is what the last question or answer referred to.



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MR. BANNIGAN: That is correct.

MR. NORDBY: This is a personal check drawn on Lilly's personal account as I understand, payable to the Minnesota Democratic Campaign Committee.

The second apparently occurred in June, June 11. Lilly allegedly sent a check for $1,450 to Mr. Chestnut, also drawn on his personal account, also payable to the Minnesota Democratic Campaign Committee. I don't believe there has been any testimony as to that yet, but I anticipate Mr. Bannigan will get to that in chronological due course and I take it you want me to touch on what we anticipate here as long as we are in chambers.

The third, an alleged payment of $12,500 in cash from Mr. Lilly to Mr. Chestnut in apparently early October of 1970.

The Government alleges that these three as I understand it, are similar criminal conduct, criminal conduct similar to that charged here.

We suggest to the Court that although the rule--

THE COURT: Similar or related to.

MR. NORDBY: Yes. The law in this Circuit appears to be that the general rule is an inclusory one and that is that similar conduct goes in unless it is offered only to attack the defendant's character, but under the



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Deaton case, which I believe the Government cites and we have in our brief, and its predecessors, we suggest two or three things to your Honor why this should not come in.

First of all, each of these payments was on a little personal account and not on an AMPI check.

At the outset, I think it is irrelevant for purposes of showing that the defendant was aware that the other checks, the other payments, were made on AMPI checks.

Secondly, contrary to what the Government says, we contend there was nothing illegal about any of these three payments if they went to a local or state committee because under 18 U. S. C., Section 608, the $5,000 limitation as I read that section, applies to national -- I don't know what it applies to, but I know there is an exemption in that section for State and local committees.

Speaking now of the first two offers, both checks were made out to the Minnesota Democratic Campaign Committee, which was a local or State, intrastate committee.

Thereafter, the only way we get to unlawful conduct here is by impuning to Chestnut the knowledge that these funds came from AMPI and of course, we don't know other than what the discovery tells us what Mr. Lilly's testimony is going to be but I take it Mr. Lilly is going to testify that he told Mr. Chestnut this and if Mr. Chest-



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nut would have otherwise known it, the Government would have told us that in their brief.

The $12,000 cash in October appears not to have come from any identifiable source, to have been directed to any identifiable source, but there is certainly no intention it was directed to any non-state, non-local intrastate committee or that it came from any unlawful source.

Mr. Bannigan suggests here I think by putting these items in, he can establish intent or knowledge on Mr. Chestnut's part that the two checks that are subject to the indictment here came from AMPI funds. What he is really doing I think is circular.

At the same time he is suggesting he had to know that in order to attribute any guilty knowledge at all to these three checks.



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THE COURT: You say the two checks already in evidence came from AMPI funds where on the face of the check it appears where they came from. I don't take it that is the reason he is offering this.

MR. BANNIGAN: Our contention is we are obligated to prove the violation was wilful. What we are establishing by the similar acts that a course of conduct on the part of this defendant, contemporaneous, not even prior or subsequent to, in which he received illegal corporate funds.

THE COURT: With respect to these three items, what is the offer of proof?

MR. BANNIGAN: The witness will testify that he was again instructed to make a corporate contribution to Mr. Chestnut; that he spoke to Mr. Chestnut. H e told Mr. Chestnut he was making an AMPI contribution.

THE COURT: If he will testify to that, why is that not admissible as similar acts and conduct occurring at or about the alleged commission of a crime in this case?

MR. NORDBY: Mr. Lilly is going to testify that he told Mr. Chestnut he was making these payments from AMPI funds?

MR. BANNIGAN: He will testify that he talked

to Mr. Chestnut and he said he had an AMPI contribution, how do you want the check made out. Mr. Chestnut's response was making it out to the Minnesota Democratic Campaign Committee.

With respect to Check No. 2, the $1450, that was a contribution solicited directly by Mr. Chestnut.

With respectto $12,500 cash, that was a contribution which was -- again Lilly was instructed to make by his superiors, Nelson, personally delivered to Mr. Chestnut in his office and the proof will show that Mr. Chestnut for one second asked where these monies were coming from, he never looked behind the thing and we submitted a charge here on the question of conscious avoidance which we believe is appropriate in this case. That is what the proof will be.

Not only are they similar, they are identical. They are disguised contributions just as was the AMPI contribution to make it look like a payment for some service rendered to AMPI.

MR. THOMSON: His issue here is who disguised it.

THE COURT: We are getting off the track. There is only one issue at this point, as to whether or not this should be received as proof of similar acts and

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conduct relevant on the issue of intent and consciousness of wrongdoing.

Under appropriate instructions to the jury that, it is not proof of the commission of a crime but being limited to that single purpose, I would regard that as admissible.

I know that you apparently disagree with the rulings in this Circuit, but the law is very definite, very clear on the subject here.

MR. NORDBY: May I add this, your Honor. I believe as foundation for the admissibility, the proof of the wrong doing, the proof of the other acts as violations of law must be clear and convincing.

McCormack is cited in the Deaton case -- I should say this, to my knowledge, and we have been through huge volumes of material provided to us by the government in the last couple of weeks and the most recent last night and to my knowledge, and I could be mistaken, this moment is the first time we have received any knowledge that Mr. Lilly is going to testify that he told Mr. Chestnut or Mr. Chestnut otherwiseknew that those payments were coming from AMPI funds.

THE COURT: I am not aware that the government is supposed to disclose its evidence to you in advance of

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trial. You are suggesting they should have made a disclosure.

MR. NORDBY: We were told they had done so, that they provide us with all of the Jencks material.

THE COURT: That is a proper subject of cross examination of the witness, is it not?

MR. BANNIGAN: Your Honor, may I say the material we provided them if they had gone through it carefully would have found there were checks we are talking about, the loan agreements that Mr. Lilly executed in order to complete this scheme and I think the government was more than fair in this case by even telling them before the start of trial, sufficient time before the start of trial in which they were able to prepare their own memorandum of law that we were going to do this.

I know of no obligation we had to do this.

MR. NORDBY: We have these materials and we studied them at great length of the basis of the understanding that they were relatively complete. Mr. Lilly no where in the testimony we have received said that he and Mr. Chestnut ever discussed the source of these funds.

MR. BANNIGAN: I don't know thatthat is



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relevant but the point is, the material we are talking about are public documents. They are all over the selecting Senate Committee Reports. There are copies of the checks, who the checks went to, who the payments were made to.

THE COURT: I will not be guided by that, public reports. I don't know anything about that.

MR. NORDBY: So our objection is clear. These three other payments are not similar to the one that Mr. Chestnut is charged with, he is charged with accepting two checks made out on AMPI corporate funds.

Mr. Bannigan is attempting to establish a course of conduct, innocent itself, with AMPI between AMPI and the Humphrey campaign and Mr. Chestnut to give the whole thing sinister appearance.

THE COURT: He is suggesting a course of conduct by the use of an indirect method to extract funds from AMPI which it was not legally permissible to use for a campaign contribution.

MR. NORDBY: It was from Mr. Chestnut's point of view.

THE COURT: That is a matter that may be argued contrary-wise to the government's position.

MR. NORDBY: We argued the point that the

evidence of the illegality has to be clear and convincing before it can be admitted.

THE COURT: I will admit it in evidence with an instruction to the jury.

MR. BANNIGAN: Might we get some guidance as to when we will terminate for the day.

THE COURT: In about ten minutes or so.

MR. BANNIGAN: The witness will be on the stand longer than ten minutes.

(In open court )

THE COURT: Members of the jury, evidence is about to be offered with respect tocertain transactions, similar or related to, so it is alleged, to the charge made against this defendant and occurring at on or about the time set forth in the indictment both before and after.

One of the essential elements of the crime in this case is whether or not the defendant acted wilfully, which I shall define in greater detail in the formal charge to you.

The evidence about to be received is not proof and in no respect can be considered as proof of the charges against the defendant here. That evidence is being received strictly limited to the issue of wilfulness or the defendant's intent, whether he had consciousness of

guilt, guilty knowledge with respect to the acts charged against him in the case here. Bear that in mind and I will instruct you again as to that.

It is received for a very, very limited purpose. It is going to the issue of wilfulness or intent or knowledge.

BY MR. BANNIGAN:

Q You will recall before we took a brief break that I had referred you to the May 7, 1970 letter from Mr. Chestnut; do you recall that?

A Yes.

Q Specifically I referred you to the first two sentences of that letter.

Do you recall that?

A Yes.

Q Do you recall what Mr. Chestnut in this letter was referring to you?

A Yes.

Q What was it?

A A check I had sent to him just prior to the receipt of that letter in the amount of $10,000.

Q Were those your funds, sir?

A They were sent from me signed by a personal check from Bob Lilly.



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Q Whose funds were they?

A They were corporate funds.

Q Would you please describe for the ladies and gentlemen the circumstances that led up to your sending this particular check of $10,000 to Mr. Chestnut?

A Yes. Mr. Nelson instructed me to make available $10,000, the amount of $10,000 in behalf of Mr. Humphrey's campaign and we could not use TAPE funds because he wanted $10,000.

He said, I want you to go to the bank in Austin, Texas, Citizens National Bank, a bank with which we dealt, I dealt, borrow $10,000 and get themoney to Mr. Chestnut.

Following his instructions, I did go to the bank, I did borrow the money. I did contact Mr. Chestnut as to how the check should be drafted.

Q Let's just stop right there.

Did you contact Mr. Chestnut or did he contact you?

A As I recall it, I contacted Mr. Chestnut because I did not know -- Mr. Nelson's instructions, he did not tell me how the check should be made out.

Q Would you please tell the ladies and gentlemen of the jury what you said to him and what he said to you?



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Q Mr. Nelson?

Q To Mr. Chestnut.

A I asked Mr. Chestnut how the check in the amount of $10,000 that Mr. Nelson instructed me about would be made out, how it should be made out and Mr. Chestnut informed me that it would be made out to the Minnesota Democratic Campaign Committee, which it was made out.

Q Did Mr. Chestnut indicate that he was aware this check would be coming?

A No.

Q What did you tellhim the check was for?

A Just carrying out Mr. Nelson's instructions.

Q What were those instructions?

A Those instructions were to make available corporate funds of $10,000 to Mr. Chestnut.

Q Did you tell Mr. Chestnut had an AMPI contribution to make?

A Not that I recall. As I said, I believe I said it was an AMPI contribution.

Q What didyou tell him it was?

A I really don't recall what I told him except how the check was to be drafted.

Q That was something he told you, was it not?

A I asked him how it was to be made out and he

told me it was to be drafted in the manner which he told me. I did further tell him I was carrying out Mr. Nelson's instructions in making this contribution.

Q Then you borrowed the monies?

A I borrowed the money.

Q What did you do then?

A The check in the amount of $10,000 was made payable to the Minnesota Democratic Campaign Committee and was sent to Mr. Chestnut, a personal check.

Q You stated that you borrowed these monies, is that correct, from the bank?

A That is true.

Q Did there come a time when you repaid these monies?

A Yes.

Q How did you repay them?

A They were repaid with funds. I called attorneys, other attorneys that were on AMPI retainer fee and told them I needed the amount of $5,000 or $10,000 which they made available to me.

In turn, they made a billing to Associated Milk Producers. In the case of $10,000, generally it would be in the amount of $20,000 to recover -- to cover their income taxes and that was the manner in which it was

repaid from the attorneys we had on retainer.

Q Cutting through the scheme by which they were repaid which was fictitious billings by attorneys, they were paid by AMPI's money?

A That is true.

THE COURT: Do I understand you to say the attorneys billed AMPI for services that were not rendered?

THE WITNESS: That is true.

THE COURT: In order to recoup the $10,000.

THE WITNESS: That is true.

THE COURT: Billing was in the sum of $20,000 to cover taxes should they be called upon to account for it?

THE WITNESS: Yes.

MR. BANNIGAN: I ask that this check be marked Government's Exhibit 10 for identification.

(Government's Exhibit 10 was marked for identification)

Q Mr. Lilly, I show you what has been marked Government's Exhibit 10 for identification and askyou if you can identify that check.

A Yes, I can.

Q What is that, sir?

A This check is the check that I have just



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testified about in the amount of $10,000 dated May 4, 1970 payable to Minnesota Democratic Campaign Committee and signed by me drawn on the Citizens National Bank, Austin, Texas.

Q That is your check?

A Yes.

Q And that is the check you testified you sent to Mr. Chestnut?

A That is true.

Q The check is to the order of the Minnesota Democratic Campaign Committee?

A Right.

Q Did you put that on there?

A No, my secretary typed the wording.

Q Why did you select the Democratic Campaign Committee?

MR. THOMSON: Objected to as repetition.

THE COURT: The witness has already answered that.

MR. BANNIGAN: Yes.

THE COURT: I sustain the objection .

MR. BANNIGAN: The government offers 10 for identification.

MR. THOMSON: May I ask one question for

clarify?

VOIR DIRE EXAMINATION

BY MR. THOMSON:

Q In response to the prosecutor's questions, you said something about some attorneys that they contributed $10,000 and they billed $20,000.

A Yes.

Q You in no way intimated --

MR. BANNIGAN: Objection. That is for cross.

THE COURT: Go ahead.

Q You didn't mean to intimate that Mr. Chestnut was one of those attorneys?

A No.

THE COURT: I think it was clear. He spoke of AMPI's attorneys.

THE WITNESS: Yes.

BY MR. BANNIGAN:

Q To further clarify, Mr. Chestnut was never an AMPI attorney?

A That is true.

(Government's Exhibit 10 received in evidence)

Q Sir, when you made this contribution, were you aware it was illegal?

A Yes, I was.

Q Were you aware that it was, in your understanding, illegal on its face?

A On its face it was, yes.

Q Thank you.

Why, sir, on its face did you believe it to be illegal?

A Because it exceeded the amount of $5,000 that you could contribute to any one committee in any one year under the so-called Corrput Practices Act at that time.

Q Now, sir, you have testified about arranging with Mr. Chestnut to pay $12,000 to Lennen & Newell and you testified just most recently about a $10,000 payment.

Were there any other contributions of AMPI funds that you made to Senator Humphrey's campaign through Mr. Chestnut?

A Yes.

Q The $10,000 check was in June, is that correct?

A It was in May, I believe.

Q I am sorry, May. You are correct.

And the Lennen & Newell funds were in June,

they were made in June?

A June 1st to June 11th, right.

Q When was the next corporation contribution after the Lennen & Newell matter?

A It was at about the same time as one of the Lennen & Newell checks.

Q Could you please describe to the ladies and gentlemen of the jury the circumstances surrounding that contribution?

A Yes. I had a request via telephone from Mr. Chestnut.

Q Mr. Chestnut called you?

A He called me requesting the amount of $1450 for some purpose in the campaign, and I told him that I was sure that we could, and we did make it available.

Q In his conversation with you, sir, at that time did he ask you from whence the funds should come?

A No, he did not.

Q Did he tell you from where they should come?

A He did tell me how to make the check out.

Q How did he tell you to make it out?

A He told me to make it out to the Minnesota Democratic Campaign Committee.

Q Did you do so?



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A I did.

Q Did you in fact sent it to Mr. Chestnut?

A Yes, I did.

MR. BANNIGAN: I ask that this check be marked the government's exhibit next in order for identification.

(Government's Exhibit 11 marked for identification)

Q Now, sir, you wrote this -- this is a personal check of yours made out to the Minnesota Democratic Campaign Committee.

MR. THOMSON: I will object to counsel testifying.

MR. BANNIGAN: I will withdraw it.

Q I show you Government's Exhibit 11 for identification and ask you if you can identify it.

A Yes. This is -- shall I continue?

Q Certainly.

A This is a check written by me, the entire check, payable to the Minnesota, abbreviating Minnesota and abbreviating Democratic, Campaign Committee, in the amount of $1450 dated June 11, 1970, and signed by me on the Citizens National Bank of Austin, Texas.

MR. BANNIGAN: The government offers 11 for identification.

MR. THOMSON: No objection.

(Government's Exhibit 11 received in evidence)

xxx

Q Sir, you have stated that you on occasions received some letters from Mr. Chestnut, I believe May 7th and May 12th, is that correct?

A That's true.

Q Are you familiar with the way Jack was signed on those letters?

A Yes.

Q I ask you to look at the back of this check and see if you are familiar with any signatures.

A It appears to me the name Jack and Chestnut -- it appears to me to be the signature that was on the letter that I received.

Q Sir, you knew, did you not -- withdrawn.

Earlier, sir, you said you knew the $10,000 contribution was illegal because it exceeded by twice the amount that could be contributed.

MR. THOMSON: Again I will object to the repetition.

MR. BANNIGAN: It is foundation.

MR. THOMSON: I am offering an objection. He constantly represents the answer and he constantly



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represents the evidence which is highly improper. I move that his question, which is nothing more than testimony by counsel, be stricken.

THE COURT: He was about to lead into another question.

Q With reference to the other check -- you made a statement as to your knowledge --

A Yes.

Q -- were you aware, sir, that when you sent this check it was also illegal?

Q Because it compounded the prior illegality?

A Yes.

MR. THOMSON: Again he was testifying. I move that be stricken.

THE COURT: It is stricken.

Q Why did you think and why did you know that that check was illegal on its face?

A Because the $10,000 check had been payable to the same -- made payable in the amount of $10,000 to the same committee and now we are adding $1450, which is above the $5,000 maximum which you can give to any one committee in any one year.

MR. BANNIGAN: May I circulate it, your Honor?

THE COURT: Yes.

(Government's Exhibit 11 handed to the jury)



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Q Besides the three contributions that we have discussed to this point, were there any others that you made on bhealf of AMPI?

A Yes, one other.

Q Would you please describe to the ladies and gentlemen of the jury the circumstances surrounding that contribution?

A Yes. In October 1970 Mr. Nelson, my superior, told me to make available the amount of $12,500 in cash and deliver it to Mr. Jack Chestnut in Minnesota for Mr. Humphrey's campaign. And that is about the circumstances.

Q Okay.

After you received those instructions, what was the next thing that you recall doing?

A I went to the Citizens National Bank in Austin Texas, and borrowed $12,500 and reduced the proceeds of the note to cash and then in turn proceeded to Minneapolis.

Q And when you got to Minneapolis, what did you do with the $12,500 in cash?

A The $12,500 cash was delivered to Mr. Chestnut in his law office in Minneapolis.

Q By you?

A By me.

Q Did you and Mr. Chester have any conversation

on that occasion?

A Possibly we had a conversation. I told him I was delivering the money, the $12,500, and he said thank you. I'm sure we had some conversation. This is all I can recall of the conversation.

Q Mr. Chestnut ever ask you at that time where this money came from?

A No, he did not.

Q Did Mr. Chestnut on any occasion in connection with any of the contributions you made, ever ask you the source of these funds?

MR. THOMSON: Objected to as leading, suggestive, irrelevant.

THE COURT: Overruled.

A No, he did not.

THE COURT: Did you borrow this money on your personal note?

MR. BANNIGAN: I am about to get to that.

THE COURT: You stopped. I want to get the jury out. Why don't you finish with this transaction and move along.

MR. BANNIGAN: I ask that this document be marked the Government's Exhibit next in order for identification.

(Government's Exhibit 12 marked for identifi-

xx

cation.)

Q Mr. Lilly, I show you a document marked Government's Exhibit 12 for identification, and ask you what that is? Please identify it.

A Yes. This is a note of the Citizen's National Bank at Austin, Texas, executed on October 12, 1970, by me, borrowing the $12,500 that I have just referred to.

MR. BANNIGAN: I offer 12, your Honor.

MR. THOMSON: I object to prosecution's exhibit 12 as irrelevant, your Honor. There was testimony there was no discussion as to the source of the funds.

THE COURT: It is received for the same limited purpose on the issue of wilfulness.

xx (Governments Exhibit 12 received in evidence.)

Q Sir, there is a notation on the back of Government's Exhibit 12 for identification. Would you please explain what that is?

A On the back of this --

MR. THOMSON: Excuse me. I didn't have an opportunity to see the back side of it.

To make sure it is not hearsay material, may I look at it?

THE COURT: To make sure what?

MR. THOMSON: That it is not hearsay.

It seems to be a part of the instrument. I have no objection.

Q What is that writing?

A The writing makes reference to the fact that this note was reduced to cash in the amount of $12,500 and I signed a receipt for having received that $12,500.

Q Sir, was the $12,500 ever repaid?

A Yes, It was.

Q How was it repaid?

A It was repaid through the attorney scheme that I have referred to previously on the other note.

Q With AMPI funds?

A Attorneys on AMPI retainer billing AMPI, making the money available tome, me paying the note off, them in turn billing AMPI for their amount that they made available to me plus their taxes and recovering the money in that way.

Q Same scheme?

A Same scheme.

MR. BANNIGAN: I ask this document be marked the Government's Exhibit next in order.

xx (Government's Exhibit 13 marked for identification.)

Q I ask you if you can identify Government's



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Exhibit 13, a single page document?

A Yes, I can.

Q What is that, sir?

A This is a note in the amount of $10,000 that I borrowed from the Citizens National Bank in Austin, Texas, May 15th, 1970.

This $10,000 went into my account up there. A check was made from it at that same time.

THE COURT: Does that refer to the first item you testified to?

THE WITNESS: Yes.

MR. BANNIGAN: The Government offers 13 for identification.

THE COURT: Before we adjourn, I am not sure that you made any reference to the $1450.

MR. BANNIGAN: You are quite right, your Honor, I haven't.

MR. THOMSON: Other than we have already objected to it, we have no further objections.

THE COURT: It will be received for the same limited purpose.

xx (Government's Exhibit 13 received in evidence.)

THE COURT: Proceed.

Q The $1450 that you sent to Mr. Chestnut by check



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in June, was that repaid? Were those your monies?

A No, they were not my monies.

Q Whose monies were they?

A They were corporate monies and they were repaid by corporate monies. The account was a corporate account in my name.

MR. BANNIGAN: Your Honor, I am going on to another area.

THE COURT: I think we will take our adjournment for the day.

Members of the jury, please remember my original instructions to you this morning about not discussing the case among yourselves, with any person or allowing anybody to talk to you about the case.

We will resume tomorrow morning at 10 o'clock, and I ask you to please be inside so we can start promptly at 10 o'clock.

Good night all.

(Adjourned to 10 a.m., May 6, 1975.)



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UNITED STATES OF AMERICA

vs. 74 Cr. 1191

JACK L. CHESTNUT,

May 6, 1975
10:00 a.m.

(Trial resumed.)

(In open court. Jury present.)

THE COURT: I must ask you to please get here on time.

JUROR NO. 9: The subway broke down, your Honor.

THE COURT: Are we ready?

MR. BANNIGAN: Yes, your Honor.

Mr. Lilly I believe, is on the stand.

xx B O B L I L L Y, resumed.

THE COURT: You may proceed.

xx DIRECT EXAMINATION

BY MR. BANNIGAN: (Continuing)

Q Mr. Lilly, you ended your testimony yesterday telling us about your $12,500 cash contribution.

A Yes.

Q Subsequent to October, I believe is when you said that was, did you have any other contact with Mr. Chestnut?

A Yes, I did have.

Q Aside from any oral communications you may have had from him, did you have any written communications?

A Prior to what date?

Q After October of 1970?

A Yes, I did have.

Q Do you recall what that was, sir?

A Yes. It was a letter from Mr. Chestnut addressed to me regarding the campaign of Senator Humphrey.

Q Do you recall what the letter said?

A Yes.

Basically it was a letter expressing his appreciation for my work during the campaign in Minnesota in which Senator Humphrey had just been re-elected.

MR. BANNIGAN: I ask this document be marked.

xx (Government's Exhibit 14, marked for identification.)

Q Mr. Lilly, I show you a document which has been marked Government's Exhibit 14 for identification and tell the ladies and gentlemen of the jury whether you can identify that?

A Yes, I can identify it.

Q What is it, sir?

A This is a letter from Mr. Chestnut from his law firm in Minneapolis addressed to me thanking me for the help



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in regards to farm committees within the State of Minnesota in regard to Senator Humphrey's campaign and signed "Jack" for Jack Chestnut.

MR. BANNIGAN: The Government offers 14 for identification.

MR. THOMSON: The defense has no objection to prosecution exhibit 14.

THE COURT: Mr. Bannigan suggests you refer to it as Government's Exhibit 14.

MR. THOMSON: Yes, your Honor.

xx (Government's Exhibit 14, received in evidence.)

MR. BANNIGAN: May I circulate it, your Honor.

THE COURT: Yes.

Q So that letter makes reference to some farm committees.

Could you briefly describe for the ladies and gentlemen of the jury what work you did?

THE COURT: You are dropping your voice and I am having difficulty hearing you.

Q Will you please describe for the ladies and gentlemen of the jury what the reference is in the exhibit just received in evidence to farm committees?

A Yes.

Either in August or thereabouts, I received a



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telephone call from Mr. Chestnut. He asked if I could make myself available, any other personnel from AMPI, Associated Milk Producers, Inc. to assist in Senator Humphrey's campaign working with farm committees by Congressional District within the State of Minnesota.

Selecting farm leaders within the State to be used to sign letters, sign ads, work in Senator Humphrey's behalf in whatever way they could and this is what this has reference to.

Q Did you do so?

A Yes, I did.

Q Yesterday you mentioned to us, and I have to digress a moment, you mentioned to us a conversation you had with Mr. Chestnut in, I believe, May of 1970, concerning a $10,000 check.

A Yes.

Q Sir, when you related that conversation to us yesterday, did you relate the entire conversation?

A I don't think that I did.

Q Would you please relate that entire conversation that you had with Mr. Chestnut.

A Yes.

I had been instructed -- I had $10,000 to be made available to Senator Humphrey's campaign. I called

Mr. Chestnut to determine how the check should be drawn or made payable to. I told him it was an AMPI contribution at the time I talked with him on the telephone and he gave me the name of the committee and consequently, I -- I am not sure, but this is basically the conversation, and I used the name on the check that he gave me.

Q Throughout your testimony, you have on various occasions identified a number of documents which are copies, is that correct?

A That is true.

Q When were all these copies made?

A In October of 1973.

Q Why did you make these copies, sir?

A I made these copies prior to having gone to the special prosecutor's office in regard to the so-called Watergate Special Prosecutor's Force in Washington, D.C.

Q Had you been subpoenaed to produce these documents by the special prosecutor?

A No.

MR. THOMSON: I would object to the relevance of this unless there is some foundation.

MR. BANNIGAN: May I be heard?

THE COURT: I will hear you out of the presence of the jury.



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From what was discussed previously, I don't think there is any occasion for a side bar conference unless defense counsel prefers to hear Government counsel on his offer of proof, but I think it is clear from the prior discussion.

I will take it subject to connection.

Q I believe the last question I asked you, had you been subpoenaed by the Special Prosecutor to bring those documents?

A No, I did not.

Q Why did you bring them?

A I had received a telephone call from the Special--

MR. THOMSON: I will object to any hearsay.

THE COURT: Sustained.

MR. BANNIGAN: I am going to the witness' motive for testifying for the Government. I believe it is his state of mind.

MR. THOMSON: Object to counsel arguing.

THE COURT: I will sustain at this point.

Q Did you bring these documents to the Special Prosecutor's Office?

A I did.

Q When you did so, were any promises or representations made to you by the Government?



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A No, there were not.

Q After you brought these documents to the Special Prosecutor's Office, did you speak with them?

A I did.

Q What did you speak to them about?

MR. THOMAS: Objected to as hearsay.

THE COURT: I will allow this.

A I covered the documents that we had presented her today plus many, many other documents pertaining to political contributions that I had records of that I made available to the Special Prosecutor's Force.

Q Did there come a time, sir, after this discussion when you appeared before a Federal Grand Jury?

A Yes.

Q When you testified before that Grand Jury, had any promises been made to you?

A I had received immunity from being prosecuted in regard to these but certainly as far as perjury I had not received any, but it was a promise in that regard.

Q Subsequent to your appearance before that grand jury, did you testify before another body?

A Yes.

Q What was that?

A A Special Watergate Committee, the Senate Water-



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gate Committee.

Q Did you have immunity when you testified there?

A Yes.

Q And you understand you are testifying under immunity here?

A Yes, I do.

Q So you know you are in effect immune from any prosecution, is that correct?

A Yes, with one exception.

Q What is that exception?

A For perjury.

MR. BANNIGAN: No further questions.

xx CROSS EXAMINATION

BY MR. THOMSON:

Q Did you also testify in the case United States against John Connally?

MR. BANNIGAN: Objection, irrelevant.

THE COURT: He can answer yes or no.

Q Did you testify in the case of U. S. v. John Connelly?

A Yes.

Q Were you granted immunity there?

A Yes.

Q So the jury has some understanding when we are

talking about immunity, that means, did you understand, that the testimony you have given here regarding the admitted crimes that you were involved in, you will not be prosecuted for those, is that correct?

A Yes.

Q Were you also given to understand that your testimony before the two grand jurys that you testified in front of were turned over to the Internal Revenue Service so they couldn't prosecute you, either, is that correct?

A No, sir, I was not told that at the time.

Q You were told that later, is that correct?

A I was told I would not be criminally prosecuted. Specifically, yes.

Q We are talking about criminal prosecution.

A Yes, at a later date.

Q At a later date you were given immunity from Internal Revenue Prosecution?

MR. BANNIGAN: Objection.

THE COURT: He can answer if he knows.

A If I have been given immunity, I have never seen it reduced to writing, I have never been told about that by anyone from the Internal Revenue Service.

Q Let's go back some years with your involvement with dairy cooperatives.



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The political arm of AMPI known as TAPE was set up in what year?

A It could possibly have been 1967 but I believe it is 1968.

Q And you were with the Associated Milk Producers prior to that, is that correct?

A It was then called Milk Producers, Inc., and I was with them.

Q And this would be prior to the time you knew Mr. Chestnut?

A Yes, it would be.

Q During that time you were making illegal contributions, isn't that correct?

A In 1968 was the first illegal contribution and this was the same year in which I met Mr. Chestnut.

Q You didn't know him in any capacity in making illegal contributions, is that correct?

A In 1968, no, sir.

Q But it was the course of conduct of Associated Milk Producers to make illegal corporate contributions, isn't that correct?

A Certainly I was making some illegal contributions in 1968.

Q What was the dollar amount of illegal contri-

butions you made in 1968?

Q Dollar contributions -- I would have to say approximately $60,000 plus some seven or eight months of my time which the company reimbursed me for, my salary.

Q Were there other people other than you employed by Associated Milk Producers who were making illegal campaign contributions?

A Yes, I think so.

Q Who might that be?

A I think that Mr. Nelson made some illegal contributions. Mr. Robert Isham made some illegal contributions. Those I have personal knowledge of.

Q That would not be included in the $60,000 illegal contributions that you made during 1968, is that correct?

A That is correct.

Q That would be above and beyond that?

A Above and beyond that.

Q Why were you making illegal political contributions in 1968?

A In 1968 in regards -- most of the contributions were made on behalf of the Presidential efforts of Mr. Humphrey. We had no political arm and monies even though TAPE had been created. We did not actually have any monies collected. We did not have any political monies in



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1968.

Q It was an effort on your part to disguise these illegal contributions as being proper, is that correct?

A I don't know if there was an effort on my part. I was following instructions to make the contributions. I did make the contributions.

Q You say you were following instructions?

A Yes.

Q Is this from Harold Nelson?

A Yes.

Q And there was an effort to disguise the illegality of the contribution, is that correct?

A Certainly they were disguised, yes.

Q The reason for that was, so that the donee or the recipient of the contribution wouldn't know that it was illegal, is that correct?

A Possible. I don't remember a time in which the question was asked if it was legal or illegal.

Q In other words, when these illegal contributions were made, there was no overtrue made to the recipient or the donee of those contributions that they were legal?

A No, sir.

Q And you tried to cover it up so they had all the appearance of being legal, is that correct?



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A I had a feeling that would be true.

Q Your answer to my question is yes.

A There was no deliberation on my part to make the contribution to cover up. I did make the contribution, we were asked to make contributions, we did make contributions and there were no questions regarding it. They were illegal, yes, sir, to answer your question in that regard.



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Q Was any question of the contributions being illegal in 1968?

A They were illegal to me.

Q And you were following instructions from Harold Nelson?

A That is true.

Q There was nothing said to any of those recipients of those contributions that they were illegal contributions?

A That is correct.

Q Part of your instructions were to have your contributions have the look of legality.

MR. BANNIGAN: I object.

THE COURT: I will allow him to answer.

A Yes.

Q Wasn't the purpose to keep illegal contributions from notice to public authorities?

A Yes, that could possibly have been one in the year 1968 and we had no political monies to contribute, and if contributed it would have to be corporate funds.

Q You made none of the candidates aware of that?

A That is correct.

Q As far as the candidates themselves were concerned, these were legal, proper funds? Is that correct?



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MR. BANNIGAN: Objection. It calls for a conclusion.

THE COURT: You may on redirect question the witness again on this subject.

A In answering your question I would say that I told none of the recipients in '68 that they were corporate monies. Is that responsive to your question?

Q Now, ultimately a political fund was set up?

A That is true.

Q That was in 1969?

A 1969 when we first received monies as a result of the political fund being established.

Q Now, in 1968 Richard Nixon was elected President of the United States.

A That is true.

Q He took office in 1969?

A That is correct.

Q At that time you developed quite a concern among the dairy cooperatives about having a voice with the administration. Isn't that correct?

A Yes.

Q And some milk producers, Associated Milk Producers, along with other dairy cooperatives, entered upon a concerted effort to try to get an entry or try to



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get some kind of a voice with the Nixon administration. Isn't that correct?

A Not in 1969, no, sir.

Q In 1970?

A No, sir.

Q When?

A 1971.

Q But there were illegal contributions made to the Nixon administration? Isn't that correct?

A Yes, sir.

MR. THOMSON: Do you have Government's Exhibit 5?

Q You mentioned I believe yesterday in direct testimony that you had made a $100,000 cash contribution, is that correct, in 1969?

A Yes, that is correct.

Q You said that was an illegal contribution?

A Yes, it was an illegal contribution.

Q That was made to whom?

A I would assume the Republican party or Mr. Nixon; it went through Mr. Kombach, Mr. Nixon's attorney in California.

Q That was to curry favor with the Nixon administration so you could have a voice?



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A I would agree with that.

Q So the effort started in 1969, did it not?

A Insofar as A M P I, Associated Milk Producers, yes.

Q Let us go back so we can get this clear. Harold Nelson, who was the general manager of AMPI had a great concern about the standing of the dairy cooperatives in the eyes of the Republican administration in 1969? Isn't that correct?

A A large contribution was made in 1969 and years later other large contributions were made -- not in 1969.

Q But there was $100,000?

A In 1969 it came from TAPE funds, political funds.

Q Now, in 1970 AMPI had political funds, did it not?

A Yes, sir.

Q In 1970 if they had political funds why would they make illegal corporate contributions?

A Mr. Nelson determined, and he was concerned, that he did not want to expose our political arm, TAPE, of having made large contributions to Democrats that were taking office.



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Q Now, so this is very, very clear, in 1970, although you had political funds available, the reason you did not make contributions out of TAPE to the Humphrey campaign was because you did not want to expose to the Nixon administration that you were making contributions to Democrats?

A That was Mr. Nelson's instructions that we make these, if this is what you are referring to. Are you asking me what Mr. Nelson said?

Q I am talking about AMPI. When I say "you" I said you insofar as AMPI is concerned, not personally.

A There was a great deal of difference of opinion on this.

Q As far as you know, Harold Nelson was the general manager?

A That is true.

Q The reason you wanted to, decided not to make donations out of the political trust or the political fund was so the Nixon administration would not become aware that AMPI was making contributions to Democrats; isn't that correct?

A Yes, sir, Mr. Nelson stated this, but I think the report would bear out, TAPE reports for the year, there was equal money given to Democrats as well as



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Republicans in 1970.

Q But Nelson did not want to disclose too much of that; isn't that correct? Isn't that what he told you?

A This is in 1969? Yes, sir.

Q I am talking about 1970.

A No, sir, he did not in regard to Senator Humphrey, he didn't tell me that.

Q I'm not talking about Senator Humphrey. The reason why illegal contributions were made during 1970 rather than legal contributions was to disguise them from the Republican party also; isn't that correct?

A In 1970 they were not disguised. The TAPE reports bear out that an equal amount of monies were contributed. There was no conspiracy on the part of myself and what work I had to do with TAPE in attempting to hide from the Republican party what we were contributing to Democrats. Mr. Nelson might have had an independent idea, and he did, in 1969, and so expressed it.

Q Wasn't this the Nelson concern that he was known too much as a Democratic supporter?

A This I don't know.

Q As far as any contributions were concerned in 1970 to the Humphrey Senatorial campaign, did Associated



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Milk Producers make a pledge to contribute certain amounts of money?

A I don't know if there was a pledge made or not. There were monies contributed. I am not aware of a pledge being made.

Q Wasn't there a commitment that Associated Milk Producers would contribute between $40,000 and $50,000 to his campaign?

A If such a commitment was made I am totally unaware of it and have never been told that.

Q Now I take it that there was no one in the Humphrey Senatorial campaign in 1970 and that you or anyone else told that they were receiving illegal contributions? Isn't that a fact?

MR. BANNIGAN: Objection as to form.

THE COURT: I will let him answer it -- I sustain this as to form. Rephrase it.

Q During the 1970 Humphrey Senatorial campaign, did you tell anybody working for Senator Humphrey that you were going to give them illegal contributions?

A Yes, I told Mr. Chestnut and that they were AMPI contributions; consequently they were illegal contributions.

Q That is not an answer to my question.



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MR. BANNIGAN: I think it was responsive.

Q Did you say they were illegal?

A No, sir, I don't think I used that term. I said they were corporation or AMPI contributions.

Q You never said the word "corporation"; you said AMPI?

A I said AMPI contributions.

Q You never said they were corporate contributions? You never said they were illegal contributions? Isn't that a fact?

A I don't see any difference.

Q I want you to answer my question, sir. Did you ever say to anyone that the contributions were illegal?

A No, sir, I did not.

Q Did you ever say that they were corporate contributions?

A Yes, sir, I did.

Q Whom did you say that to and when?

A Mr. Chestnut.

Q When did you say it?

A Associated Milk Producers. We were talking about it in May of 1970.

Q Where?



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A It was on the telephone.

Q What date?

A Oh, in early May of 1970.

Q What did you say?

A I contacted Mr. Chestnut in regard as to how to make out a $10,000 check, because Mr. Nelson had instructed me that I was to borrow monies, that AMPI paid back, that I had an AMPI check in the amount of $10,000 and how should it be drafted.

Q But you didn't say to him, "These are corporate funds"? Did you?

A Well --

Q Listen to my question and answer my question.

A Well, to me AMPI is the corporation.

Q I want you to answer my question. I don't care what it means to you.

THE COURT: The jury is instructed to disregard the statement by counsel.

Please do not comment on the witness' answers, but put other questions, and if you are not satisfied with the answer, you may make appropriate application to the Court to strike the answer.

Q When you had this discussion, Mr. Lilly, with Mr. Chestnut, you did not use the word "corporate",



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did you?

A Only in the sense that AMPI means corporate.

Q But you did not use the word "corporate"?

A No, I do not recall having used that particular word, corporate.

Q The word you said was AMPI?

A AMPI -- A-M-P-I.

Q You recall now it was A M P I rather than AMPI?

A AMPI. I could use either one or the other.

Q You could have said, "I got some AMPI funds," or "A M P I"?

A To people outside AMPI I use A M P I.

Q But you do not recall that you said AMPI or A M P I?

A No.

Q How many times in your discussions with people working in any campaign would you use the word "TAPE"?

A Oh, at the time -- if you are talking about all of the time in which we have had TAPE, I am sure many times I have talked about TAPE through the years.

Q I take it that you had a discussion with Mr. Bannigan since we recessed yesterday?

A I saw him briefly this morning, yes, sir.



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Q This morning?

A Yes, sir.

Q Where did you have that conversation?

A In his office.

Q You discussed it with him whether or not you used the word AMPI in your discussions with Mr. Chestnut regarding checks?

A Mr. Bannigan asked me if I had told him earlier, if I had used a word A M P I.

Q Because yesterday you testified that that word had not been used? Isn't that correct?

A I am not sure how I testified.

MR. BANNIGAN: It is a mischaracterization of the testimony.

A I was under the impression that I had made it.

MR. THOMSON: Will you mark this as Defendant's Exhibit A.

(Defendant's Exhibit A marked for identification)

Q Mr. Lilly, showing you what has been marked for identification purposes as Defendant's Exhibit A, do you recognize that?

A Yes, sir, I think it appears to be -- I think I



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do. Without having read it, I can read through the entire thing, but I would say yes.

MR. BANNIGAN: I would ask that the witness read through the entire thing before the witness answers that he knows everything that is in there.

THE WITNESS: Yes.

Q Do you recognize Defendant's Exhibit A?

A Yes, sir, I recognize it.

Q What is it?

A Well, it was proposed articles of incorporation of Associated Milk Producers, but it is not the final copy of Associated Milk Producers organizational structure.

Q Is it not the final?

A No, it is not.

end t2



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Q Was that the articles that were in effect in 1970?

A Somewhat comparable, yes. The officers, some of them named in here were never officers of Associated Milk Producers, never were members of Associated Milk Producers and without seeing AMPI's final draft, I couldn't truthfully answer. It is similar. It is a cooperative organizational-

Q The point is, yesterday you indicated that AMPI was a corporation, isn't that correct?

A Yes, sir.

Q As a matter of fact, AMPI is set up not only under the corporation laws but under the Cooperative Marketing Act of Kansas.

A Yes.

Q Rather than being a corporation, it is a cooperative?

A It is a cooperative. It is a corporation as well.

Q It is set up under the Cooperative Marketing Act?

A That is true.

Q Let's go through your testimony regarding two checks and a cash payment that were made to Mr. Chestnut.

A Yes.

MR. THOMSON: May I have those exhibits, please.

Q I am going to show you what has been received in evidence as Government's Exhibits 10 and 11.

A Yes.

MR. THOMSON: For the record, Government's Exhibit 10 is a check, a personal check --

Q It is a personal check of yours?

A Yes.

Q Dated May 4, 1970?

A Yes.

Q Made payable to the Minnesota Democratic Campaign Committee in the amount of $10,000; is that correct?

A Yes, sir.

Q I believe yesterday, if I am correct, that you testified in front of this jury that you considered this contribution to be illegal on its face, is that correct?

A That is true.

Q And you said because it was in excess of $5,000?

A That is one of the reasons.

Q Talking about being illegal on its face?

A On its face.

Q Are you aware of this provision of the law in regard to what you claim to be illegal, and this is United States Code 18 Section 608 where it refers to the

fact that a contribution, whoever makes a contribution in th aggregate amount of excess of $5,000 in any calendar year or in connectionwith any campaign for nomination or election to or on behalf of any candidate for an elected federal office, including the office of President and so forth, actually is illegal; right?

A Yes, sir.

Q Are you aware of this, that this subsection shall not apply to contributions made to or by a State or local committee or other state or local organization or to similar committees or organizations?

A What?

A What year are you reading from?

Q 1969.

A It would include 1970?

Q Yes.

A Yes, I am aware of it.

Q So this would not be illegal?

A It was a corporate check.

Q There is nothing on its face to show it is a corporate check?

A Behind that --

Q Just a minute. So we understand, we are talking about on its face.

A I am not a committee.

Q Just a moment.

This is an individual check made out to a State committee, isn't that correct?

A That is correct.

Q Where on its face is that contribution illegal?

Q Because it is in excess of $10,000; because it is corporate funds.

Q There is nothing on its face to show it is corporate funds, is there?

A Not on its face, no, sir.

Q There is nothing on its face to show it is corporate funds.

A No.

Q Under this subsection I read to you, in excess of $5,000, does not apply when it goes to a state committee, isn't that correct?

A When it goes to State Committee but from what, from a committee?

Q From an individual to a State Committee, the excess of $5,000 does not apply?

A I am just not informed on that.

Q You don't know that much about this law?

A Not that particular section, no.



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Q So if this subsection that I read to you is in the law, you are not aware of it, is that correct?

A I am sure I have read it but I am not aware of it. I am not that well informed on the law.

Q You certainly don't want to sit here and hold yourself out as an authority on election law?

A Certainly I am not an authority on election law. I am well familiar with procedures that we followed.

Q You don't want to lead anyone to believe that Government's Exhibit 10 is illegal on its face?

A Yes, sir, it is.

Q Would you again explain to the jury why you say it is illegal on its face?

A It is illegal on its face because I was instructed by Mr. Nelson to make a $10,000 corporate contribution, which would be in excess that corporate contributions would be in excess.

Q If you handed that check to me today without any explanation, how would I know that was corporate funds?

A If I were to call you and tell you it was AMPI funds, making a $10,000 contribution, this is insofar as I could go.

Q On its face?

A Pardon?



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Q On its face does it show it is corporate funds?

THE COURT: The witness said it wasn't just the check itself, that he had a conversation with the defendant with respect to it and told him the source of the funds.

Q As far as the source of the funds, you didn't say it was corporate funds?

A I said it was AMPI funds.

Q I believe that you have indicated -- Government's Exhibit 10 is the $10,000 check. You called Mr. Chestnut in regard to that check, did you not?

A Yes, sir.

Q And you told him, according to you, that you had $10,000 of AMPI funds available; is that correct, for a contribution?

A Yes.

Q And you were going to make him out a check?

A I wanted to know how to draft the check.

Q And who to make it payable to?

A Yes.

Q And he told you what committee to make it payable to?

A That is right.

Q On Government's Exhibit 11, which is a $1450 check, what gave rise to that?



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A That was a result of a call from Mr. Chestnut tha he needed $1450.

Q Who was that call to?

A To me from Mr. Chestnut.

Q Do you recall explaining the $1450 check as having been requested by Dave Parr?

A It is quite possible. Mr. Parr was an officer of AMPI. He was involved in the political field and I am sure I have discussed Mr. Parr in regard to that and this particular check it is quite possible because the request came from Mr. Chestnut.

It certainly didn't come from Mr. Parr or Mr. Nelson.

MR. BANNIGAN: I don't have an objection, but when counsel is referring to some material, 3500 material, I would appreciate it if he would identify it in using it for cross examination, if you would direct him to do so just by number.

MR. THOMSON: For the purpose of the record, I have been referring to 3517, page 4, where it says --

MR. BANNIGAN: I just wanted the number, your Honor.

Q Directing your attention to page 4 of document 3517, I have a paper clip where it says, I believe June 4,

1970.

Is that your handwriting?

A No, sir.

Q Are those notes of an interview you had with someone?

A No, sir. These notes are the handwriting of my wife.

Q The handwriting of your wife?

A Yes, sir.

Q On there does she indicate that the $1450 was requested by Parr?

A There is a note here "Dave Parr request".

Q Was that a Dave Parr request to you, sir?

A If it were a Dave Parr request, it is quite possible, but I distinctly remember having a telephone conversation with Mr. Chestnut in regards to the check.

Q Do you remember the date of that, sir?

A It would have been early June of 1970.

Q Were those two checks mailed?

THE COURT: Which two checks are you referring to?

MR. THOMSON: Government's Exhibit 10, the check in the amount of $10,000. Was that mailed or hand delivered?



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A To the best of my recollection, yes, sir.

Q Was it mailed or hand delivered?

A It was mailed. Possibly someone could have delivered it but insofar as my recollection, it was mailed.

Q How about Government's Exhibit 11 which is a check in the amount of $1450. Was that mailed or was it delivered?

A I would say the same thing for it. I am sure it was mailed.

Q Later in this group of transations you indicated a cash contribution in the amount of $12,500, is that correct?

A Yes.

Q Was that hand delivered or mailed?

A It was hand delivered.

Q By you?

A By me.

Q And you gave that to Mr. Chestnut personally?

A Yes.

Q You made no reference to him that these were corporate funds, is that correct?

A Not that I recall, no, sir.

Q Going back to the transactions regarding the payments to Lennen & Newell. As I understand your position



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at that time, you would take directions from Howard Nelson, is that correct?

A Harold Nelson.

Q Many of these transactions you testified to were things that he discussed with you and told you to do, is that correct?

A That is true.

Q And would you say you were carrying out his orders?

A Yes.

Q As far as the Lennen & Newell matter, do you know whether or not Associated Milk Producers had offered to pay some bills?

A No, sir, I did not.

Q So you weren't a part of anything of that nature?

A No, sir, I was not.

Q When was it first that you became aware that Associated Milk Producers either obligated themselves to pay some bills or you became involved in it?

A I became involved late April 1970 when Mr. Nelson informed me that a bill would be coming from Lennen & Newell through Mr. Chestnut.

Q Mr. Lilly, I am showing you a document marked



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for identification purposes. I believe it is 3577. I ask you, sir, if that is a copy of notes made by you?

A Yes, sir.

Q Does the second entry there indicate that you had delivered the $1450 check to Mr. Chestnut?

A The words appear there on this particular note.

Q What words appear?

A "Delivered to".

Q Does that help refresh your memory at all?

A No, sir, the check was mailed.

Q Are those your notes?

A Those are my notes.

This could mean mailed or hand delivered.

Q Mr. Lilly, I am showing you a piece of paper. The only reference I see is at the bottom right-hand corner 981.

MR. BANNIGAN: Your Honor, I think it ought to be marked for identification if it is going to be shown to the witness.

MR. THOMSON: Would you mark this as a Defendant's Exhibit?

xx (Defendant's Exhibit B marked for identification.)

Q Mr. Lilly, I am showing you what has been marked



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for identification purposes as Defendant's Exhibit B, a Xerox copy, apparently of some handwritten notes?

A Yes, sir.

Q Can you tell me whose notes those are?

A These are notes of mine.

Q When did you make those notes?

A They were made in October of 1973 at the time I appeared before the Special Watergate Prosecutors on my first visit.

Q And these were notes to yourself?

A No, sir. They were notes that were attached to the checks, the invoice, the various documents that have been introduced here.

Q I notice that the first entry --

MR. BANNIGAN: Objection. It is not in evidence.

MR. THOMSON: Offer it in evidence.

MR. BANNIGAN: No objection.

xx (Defendant's Exhibit B received in evidence.)

Q Mr. Lilly, again show you what has now been received in evidence as Defendant's Exhibit B and directing your attention to the first entry, you have three capital H's. Does that stand for Hubert Humphrey?

A Yes.

Q In parenthesis you have Jack Chestnut?



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A True.

Q You have $6,000 and you have AMPI.

A That is true.

Q You have for printing?

A Yes.

Q Where did you get that "printing"?

A This was a classification of my own for identification. I did not know what Lennen & Newell was then, I do not know what they are today.

For identification purposes for me going to the Special Watergate Prosecutor and my first statements to them they could have possibly been for printing. I don't know th to be a fact now or then.

Q Going down to the third entry which is dated 6-11-70, there you have three H's again.

A Yes.

Q Jack Chestnut.

A Right.

Q $6,000 printing.

A Right.

Q That was because you weren't aware of what Lennen & Newell was doing?

A No, sir. This was identification purposes for me to present the check, the documents to the Special Water-



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gate Prosecutor's attorney.

Q As I recall it --

MR. THOMSON: Excuse me, could I have those invoices of Lennen & Newell?

MR. BANNIGAN: Yes.

Q I take it as you sit here now today, you don't know what Lennen & Newell does or did, is that correct?

A That is true.

Q And nobody ever discussed that with you?

A Was it ever discussed?

Q Right.

A Mr. Nelson did not discuss it. He mentioned the name Lennen & Newell -- well, the conversation, the billings I had received had Lennen & Newell. The checks were drafted to Lennen & Newell sent to Mr. Chestnut. I did not know what Lennen & Newell Company did then or now.

Q And you don't know today what they did then?

A That is true.

Q Directing your attention to Government's Exhibit 1.

A Yes, sir.

Q Do you recognize that, sir?

A I do.

Q That is the $12,000 invoice from Lennen & Newell,

is that correct?

A Yes.

Q And that is sent to Associated Milk Producers Inc. care of Bob Lilly in New Ulm, Minnesota?

A That is true.

Q Does AMPI maintain an office in New Ulm?

A They did in 1970. I am not sure today whether they have an officer there or not. I think they do have, but they did at that particular time.

Q Ultimately, this was forwarded to you, is that correct?

A Yes.

Q Although it is addressed to you at New Ulm, you didn't pick it up at New Ulm or didn't receive it at New Ulm?

A No, I have never been to New Ulm.

Q Ultimately you received this in San Antonio?

A Yes.

Q When you received this or came into possession of Government's Exhibit 1, had you already been advised by Harold Nelson that you were going to pay Lennen & Newell, to Lennen & Newell bills?

A No. I was advised by Mr. Nelson we were going to make payable to Lennen & Newell $12,000 and I would be



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getting the bills and to work with Mr. Chestnut.

Q When you got Government's Exhibit 1, what steps did you take?

A I took none because at about that time Mr. Chestnut called me and told me not to do anything with it.

Q How long after receiving it?

A Pardon?

Q How long after you received Government's 1 did you receive that phone call?

A It must have been at about the same time because I had the bill in hand at the time Mr. Chestnut called me.

Q There was no further explanation then?

A No, sir.

Q Then later, what happened?

A Then later Mr. Chestnut had a follow up letter informing me, verifying the conversation, in effect, telling me that the corrected billing would be sent and I was to send the bills when they were paid through him, made payable to Lennen & Newell and eventually following that, the bills were paid.

They were sent.

Q Those would be the four $3,000 bills that were ultimately received in your hand?

A They were received the same time.



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Q Do you recall how long after that occurred, sir?

A It was shortly thereafter. Around the 14th or 15th of May. I believe it was before the 15th of May.

MR. THOMSON: Would you mark this as Defendant's Exhibit C, please.

xx (Defendant's Exhibit C marked for identification.)

Q Mr. Lilly, I show you what has been marked for identification purposes as Defendant's Exhibit C.

Do you recognize that, sir?

A Yes, sir.

Q What is it?

A It is a letter from Mr. -- it is signed Jack. It is from Mr. Chestnut's office on Humphrey Campaign stationery and addressed to me at San Antonio.

Q Do you recognize it?

A Yes.

Q What does it regard?

A This regards that just prior to this time --

Q What does the letter regard?

A You wanted me to read it?

Q Just what it regards.

A It regards a check I had forwarded to Mr. Chestnut, I believe in the amount of about $50 made payable to the Humphrey Campaign Committee and he returned it because

it was drawn on a corporate check and he returned it to me and said he could not use it in his campaign.

MR. THOMSON: I offer into evidence Defendant's Exhibit C.

MR. BANNIGAN: No objection.

xx (Defendant's Exhibit C, received in evidence.)

MR. THOMSON: May I read it.

THE COURT: Yes.

MR. THOMSON: Defendant's Exhibit C reads as follows: It is dated June 16, 1970. Mr. Bob A. Lilly, 1011 Northwest Military Highway, San Antonio, Texas.

"Dear Bob. The enclosed check was received from Dave Parr. I note that it is drawn on a corporate account. As such I can't deposit it at this time. Perhaps you can have the party remit on a personal basis.

"Very truly yours, Jack Chestnut, Campaign Manager."



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Q Regarding, I believe, Government's Exhibit 10, which is the $10,000 check made out to the Minnesota Democratic Campaign Committee, yesterday you were testifying regarding your conversations with Mr. Chestnut on how to make the check payable.

A Yes, sir.

Q I will ask you, do you recall the following questions having been put to you by Mr. Bannigan yesterday and you having given the following answers, page 144, commencing at line 17:

"Q Did you tell Mr. Chestnut you had an AMPI contribution to make?

"A Not that I recall. As I said, I believe it was an AMPI contribution.

"Q What did you tell him it was?

"A I really don't recall what I told him, except how the check was to be addressed.

Do you recall those questions and those answers of yesterday?

A Yes, sir, I do.

Q I take it then since yesterday your memory has been refreshed; is that correct?

MR. BANNIGAN: Objection to that.

THE COURT: I will allow it.

A Well, my memory -- I know for a fact that that is not all that was stated. What I had told Mr. Bannigan, what actually transpired, to the best of my recollection in the telephone conversation, I did have a conversation with Mr. Bannigan. He asked me if I did make this statement to him at an earlier time, and I told him I did. I told him further I knew as soon as he asked me about the $450 check that I had not told the entire information that I had regarding the $10,000 check.

Q During the year 1970, and Government's Exhibit 5, I believe, is the tabulation of so-called legal funds out of TAPE -- is that correct?

A If that is the exhibit, the one that has several documents to it.

MR. BANNIGAN: We will so stipulate, your Honor.

Q Now, during 1970 you made, did you not, illegal contributions to Senator Muskie?

A I made none, no, sir.

Q A M P I did, did they not?

A I believe in 1970 Mr. Stewart Russell made some contributions, illegal contributions to Senator Muskie.

Q AMPI funds?



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A They eventually were AMPI funds. He was repaid from AMPI funds.

Q Do you know about Mr. Mills?

A I don't know if anyone made on that.

Q Mr. Lilly, I show you --

MR. BANNIGAN: I ask that it be marked, your Honor.

MR. THOMSON: Mark this book as the next Defendant's Exhibit.

(Defendant's Exhibit D marked for identification)

xxx

Q I am showing you what has been marked for identification purposes Defendant's Exhibit D --

And for the record, this is the executive session hearings before the Select Committee on Presidential campaign activities, United States Senate, and this is November 13, 14, 15 and 16, and December 4 and 11 in 1973 -- please go to the immediate left of the next line -- and directing your attention to page 6045, identified as Lilly Exhibit No. 26, will you look at that, sir?

A Yes?

Q It goes on beyond the first page?

A Oh.

THE COURT: What is the question, Mr. Thomson?



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There are long lapses between questions.

Q Can you tell me what that exhibit is, sir?

A This is an exhibit that was prepared to recall as best as possible and to the Senate Watergate Committee some of the monies that were collected from attorneys to pay back the $100,000 that I referred to earlier in my testimony, as one of the contributions that were made in cash, monies borrowed; contributions were made in cash; it was more or less an accounting of that perio of time.

Q Contributions made in cash to who?

A Contributions in cash to -- well, I would have to go through here and pick them out.

MR. BANNIGAN: The government has no objection if counsel wishes to cut these pages out and offer them. It is quite extensive, sir.

MR. THOMSON: Perhaps we can resolve this during the recess. I will abandon this right now.

Q Bringing up another matter regarding cash contributions with attorneys. That happened to be the $100,000 contribution you talked about.

A That I just referred to.

Q Yes.

A Yes, sir, made in '69.



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Q The 1969 contribution to Kambach?

A That is true.

Q First you said that that was made out of TAPE funds.

A Yes, sir.

Q How did the lawyers get involved?

A It was made out of TAPE funds on August 1, 1969. I went to the Citizens' National Bank in Austin. On a debit memo that I signed I received $100,000. I, in turn, delivered it to Dallas to Mr. Semer, who, in turn, delivered it to Mr. Kambach in California.

Q I thought you said it was TAPE funds.

A Those are TAPE funds. These are TAPE funds that I am referring to. It is a debit on TAPE account of $100,000 on August 1, 1969 that was made. It came out of the TAPE funds. I was authorized by Mr. Robert Isham, who is trustee of TAPE, and in December, 1969, about mid-December of 1969 there were conversations that I was not a part of, but that I am aware of, but at these there was a determination made and a final report had been made on TAPE to the Clerk of the House, the year-end report as of December 31, 1969.

So as a result of that I was instructed by Mr. Nelson to borrow $100,000; the $100,000 was transferred



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from my note, a TAPE transaction, to make TAPE whole again in the amount of that. And then following that, in the latter part or mid part of December 1969, eventually the $100,000 was paid back through the attorney scheme.

B2

Q Why was it necessary to make TAPE whole?

A This was a determination I did not make, but the reason for it was because all monies had to be accounted for.

Q They did not want to account for the money?

A Yes, they wanted to account -- well, in putting your question -- I'm sorry, they did not want it to show in the TAPE report that it was not there, that such a contribution had been made. Is that responsive to your question?

A They were trying to disguise the fact that the contribution had, in fact, been made. That is true.

Q As I understand,the is so-called attorney scheme, a lawyer would give a $5,000 contribution?

A Yes, I would request monies from him. Well, there was a scheme drafted to pay this. The attorneys' names were reduced to writing, the amounts of money I would receive from them reduced to writing, and in another column was how much this money would cost A M P I to repay



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these attorneys, and then also forming to retire this $100,000 note.

Q In other words, what happened was that it cost AMPI about $200,000 to retire the $100,000 note?

A In the neighborhood of that, yes, sir.

Q So the total cost to disguise the $100,000 mark contribution was another $100,000?

A That is about right. It was not quite $200,000, but close.

Q As I understand it, you have not been charged with any offenses whatsoever arising out of what you have testified to here?

A I have not, no, sir.

Q Mr. Isham?

A Isham?

MR. BANNIGAN: Objection.

THE COURT: Yes, objection sustained as far as Mr. Isham is concerned.

Q How about Harold Nelson?

A Yes, sir, he has been charged and pled guilty.

Q Do you know how long ago that was?

A Several months ago. I am not sure. Possibly six months ago, maybe seven. I'm not sure of the time.

MR. THOMSON: No further questions.



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REDIRECT EXAMINATION

XXXX

BY MR. BANNIGAN:

Q What about Mr. Parr?

A Yes, he was sentenced as well. He pled guilty.

THE COURT: I think at this point we will take our mid-morning recess.

(Recess)

(In open court, jury present.)

THE COURT: Proceed, Mr. Bannigan.

REDIRECT EXAMINATION

BY MR. BANNIGAN:

Q Mr. Lilly, do you recall being asked by Mr. Thomson on cross examination about your conversation with Mr. Chestnut regarding the $10,000 check?

A Yes.

Q Do you recall he read from your testimony yesterday?

A Yes.

Q Tell me if I am reading this correctly. Were you asked this question and did you make this answer --

MR. BANNIGAN: 144, from the page you read beginning at line 17.

Q "Q. Did you tell Mr. Chestnut you had an AMPI contribution to make?

"A Not that I recall. I said I believe -- I said it was an AMPI contribution."

Do you recall giving that answer?

A Yes.

MR. BANNIGAN: I ask this document be marked next in order.

(Government's Exhibit 15, marked for identifi-

cation.)

Q Sir, do you recall being shown Defendant's Exhib C in evidence by Mr. Thomson?

A Yes.

Q And that, sir, was the letter returning a corporate check?

A That is true.

Q I show you Government's Exhibit 15 for identification and ask you if you can identify that letter?

A Yes, I can.

Q That in fact is the original, is it not?

A It is the original.

Q Now, sir --

MR. BANNIGAN: The Government would offer 13 for identification as a substitute for the copy, also in thre is some objection.

MR. THOMSON: It is our exhibit. We will not agree to a substitution. We never had the original.

MR. BANNIGAN: We offer the original.

MR. THOMSON: I object to it as cumulative. We have already introduced --

THE COURT: We can substitute one for the other unless there is an objection.

MR. THOMSON: I don't want a Government's

Exhibit substituted for a Defendant's Exhibit.

THE COURT: It may be substituted in place of the defendant's exhibit.

MR. THOMSON: There is something attached to it that I haven't seen.

THE COURT: Remove whatever is attached. Let's not spend time on something of this nature.

MR. THOMSON: I have no objection that this be marked Defendant's Exhibit C.

MR. BANNIGAN: I have no objection.

THE COURT: It will be substituted in place of the other exhibit and marked Defendant's Exhibit C.

xx (Defendant's Exhibit C marked.)

Q Referring to Defendant's Exhibit C, would you please look at the signature "Jack" on that document?

A Yes.

Q You on occasion have received other letters signed "Jack" have you not?

A I have.

Q For example, Government's Exhibits 6 and 7 in evidence, is that correct?

A Yes, they are.

Q Looking at Government's Exhibits 6 and 7 in evidence, would you compare, please, the signature on

Defendant's Exhibit C and tell us whether they are the same?

A No, they are not.

Q Sir, on Defense Exhibit C, does it indicate who signed that document on its face?

A On its face it indicates that the typist, the secretary with the initials PM signed this, signed his name /PM, indicating she signed his name.

Q Do you know anybody by the name of PM having these initials?

A Yes. This is Penny Miller, Secretary for Mr. Chestnut.

Q So according to the letter, would it be fair to say that Penny Miller returned the corporate check?

MR. THOMSON: Objection.

THE COURT: Sustained.

MR. BANNIGAN: Withdrawn.

I ask that this document be marked Government's Exhibit next in order.

(Defendant's Exhibit 15 marked for identification.)

Q I show you what has been marked Government's Exhibit 15 for identification and ask you if you can identify that?

A Yes, I can.

Q What is that, sir?

A This is a corporate check on Capital Tire Services, Inc., from Little Rock, Arkansas, made out to Hubert Humphrey Campaign made out in the sum of $50 drawn on a Worthen Bank and Trust Company in Little Rock.

Q Where did you see that check first?

A This check the first time was when I transmitted it to Mr. Chestnut along with a series of other checks, comparable in size to the ten or 12 checks totalling $1450 if my memory serves me correctly, and this one was returned because it was a corporation check.

Q Was it returned with defendant's Exhibit C?

A Yes, it was.

Q Did that check have anything to do with AMPI?

A No, nothing.

MR. BANNIGAN: The Government offers 15 for identification.

MR. THOMSON: No objection.

(Government's Exhibit 15, received in evidence.)

MR. BANNIGAN: Your Honor, I would like to circulate the check Government's Exhibit 15 along with Defendant's Exhibit C.

THE COURT: You may.



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do you recall that?

A Yes, I do.

Q I believe you testified he had pled guilty?

A That is true.

Q Do you know what he pled guilty to?

A He pled guilty to a conspiracy charge, a conspiracy to contribute illegal funds to political campaigns.

Q What about Mr. Parr?

A The same thing. Mr. Parr pled guilty to a conspiracy charge the same as Mr. Nelson, at the same time.

MR. BANNIGAN: No further questions, your Honor.

xx RECROSS EXAMINATION

BY MR. THOMSON:

Q I take it your were advised of that during the recess?

A Of what?

Q What the charges were that Parr and Nelson pled guilty to?

A I knew what the charges were. Mr. Bannigan asked me if I knew what the charges were and I told him yes, it was conspiracy.

Q One further question.



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During the entire time that you have testified to during '68, '69 through perhaps '72, how many United States Senators did Associated Milk Producers make contributions to?

MR. BANNIGAN: Objection.

THE COURT: How is that relevant? What is the significance of it particularly on recross examination?

MR. THOMSON: It will show the extent of the operation of Associated Milk Producers.

THE COURT: What difference does that make? We are concerned here with a single charge against a single individual and the issue is whether or not the Government will sustain its burden of proof at the end of the case. The fact that there are other activities with respect to other persons is not before this jury except for the instance where I indicated as to similar acts. Let's not expand this case beyond its confines of the basic issues that are in this case.

MR. THOMSON: I merely wanted to give the jury a total picture.

THE COURT: The jury doesn't need a picture of anything else. All they need is a picture of what happened in this case and that is what we are concerned with.

MR. THOMSON: I take it my question --



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STATE OF MINNESOTA

COUNTY OF RAMSEY

JACK S. NORDBY, OF THE CITY OF ST. PAUL, COUNTY OF RAMSEY IN THE STATE OF MINNESOTA, BEING DULY SWORN, SAYS THAT ON THE 26th DAY OF AUGUST, 1975, HE SERVED TWO COPIES OF APPELLANT'S BRIEF AND ONE COPY OF THE APPENDIX IN THE CASE OF UNITED STATES V. CHESTNUT, DOCKET NO. 75-1268 UPON PAUL J. CURRAN, UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK, BY MAILING TO HIM SAID COPIES, POSTAGE PREPAID AT MINNEAPOLIS, MINNESOTA, AND BY DEPOSITING SAME IN THE POST OFFICE AT MINNEAPOLIS, MINNESOTA, DIRECTED TO SAID ATTORNEY AT 1 ST. ANDREW'S PLAZA, NEW YORK, NEW YORK, 10007.

JACK S. NORDBY

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 26th DAY OF AUGUST, 1975.

Marilyn Robertson

MARILYN ROBERTSON
NOTARY PUBLIC - MINNESOTA
Dakota COUNTY
My Comm Expires April 25 1979